

Notice of Allowability**Application No.**

10/632,410

Examiner

EL HADJI M. SALL

Applicant(s)

DYL, CHRISTOPHER J.

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/18/09.
2. ☒ The allowed claim(s) is/are 1,2,6-9,13-15 and 17-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12/09/09.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Faustino A. Lichauco (Reg. No. 41,942), the attorney in record, gave authorization for this Examiner's Amendment over the telephone during an interview. The claims amendments are as follow:

PLEASE AMEND THE CLAIMS AS FOLLOWS:

1. (Currently Amended) A method for efficiently transmitting, to a client, a content update for an on-line game, the method comprising the steps of:
 - a) hosting in a non-volatile memory element, for transmission, a content update having a plurality of data files;
 - b) identifying a subset of the plurality of data files as high-quality data files using a data quality function to identify a subset of the plurality of data files contained in the content update as high-quality data files;
 - c) creating a high-quality content update that includes the identified high-quality data files;
 - d) receiving a client connection request;
 - e) determining that high-quality data files are to be transmitted to the client on the basis of information indicating high-quality files should be transferred, wherein the client is one of a plurality of clients comprising a player platform;

- f) transmitting the high-quality data files from the high-quality content update;
and
- g) transmitting [the] remaining non-high-quality data files in the content update;
wherein the plurality of data files contained in the content update are sorted by
data quality,
wherein a certain fixed percentage of the highest quality data files are separated as
high-quality data files;
wherein the high-quality data files comprise data files having at least one of audio
and graphics, and
wherein a high-quality data file is larger than a corresponding non-high-quality
data file.
2. (Previously Presented) The method of claim 1, wherein step a) comprises storing, on a network storage device, a content update having a plurality of data files.
3. -5. (Cancelled)
6. (Previously Presented) The method of claim 1, further comprising the step of removing the high-quality data files from the content update.
7. (Previously Presented) The method of claim 1, wherein step e) comprises determining that the received request includes a bit value indicating high-quality files should be transferred.
8. (Currently Amended) A method for efficiently transmitting a content update for an on-line game from a server to a client, the method comprising:
- a) the server hosting, in a non-volatile memory element, a content update having a plurality of data files;

- b) identifying a subset of the plurality of data files from the content update as high-quality data files by identifying a subset of the plurality of data files as high-quality data files using a data quality function;
- c) creating, by the server, a high-quality content update that includes the identified high-quality data files;
- d) the client requesting a connection with the server;
- e) determining, by the server, that high-quality data files should be transmitted to the client on the basis of information indicating high-quality files should be transferred, wherein the client is one of a plurality of clients comprising a client platform;
- f) the client receiving data files from the high-quality content update ~~[[to the client]]~~; and
- g) the client receiving ~~[[the]]~~ remaining non-high-quality data files from the content update ~~[[to the client]]~~;

wherein the plurality of data files contained in the content update are sorted by data quality, and

wherein a certain fixed percentage of the highest quality data files are separated as high-quality data files;

wherein the high-quality data files comprise data files having at least one of audio and graphics, and

wherein a high-quality data file is larger than a corresponding non-high-quality data file.

9. (Previously Presented) The method of claim 8, wherein step a) comprises storing, on a network storage device, a content update comprising a plurality of data files.

10.-12. (Cancelled)

13. (Previously Presented) The method of claim 8, further comprising the step of removing the high-quality data files from the content update.

14. (Previously Presented) The method of claim 8, wherein step e) comprises determining that the received request includes a bit value indicating high-quality files should be transferred.

15. (Currently Amended) A computer based content updating apparatus for updating content for an on-line game, said apparatus comprising:

a non-volatile memory element storing a content update for the on-line game, the content update having a plurality of data files;

a processor in electrical communication with the non-volatile memory element for identifying a subset of the data files in the content update as high-quality data files using a data quality function, separating the high-quality data files from the content update, and storing, in the non-volatile memory element, a high-quality content update that includes the separated high-quality data files; and

a transceiver in electrical communication with the non-volatile memory element and the processor, the transceiver receiving a connection request from a remote client on a network, on the basis of information indicating high-quality files should be transferred, the client being one of a plurality of clients comprising a player platform;

wherein the processor determines that high-quality data files are to be transmitted to the client and the transceiver transmits data files from the high-quality content update and ~~[[the]]~~ remaining non-high-quality data files from the content update

wherein the plurality of data files contained in the content update are sorted by data quality,

wherein a certain fixed percentage of the highest quality data files are separated as high-quality data files;

wherein the high-quality data file comprise data files containing at least one of audio and graphics, and

wherein a high-quality data file is larger than a corresponding non-high-quality data file.

16. (Cancelled)

17. (Previously Presented) the apparatus of claim 15, wherein the processor removes the high-quality data files from the content update.

18. (Previously Presented) The apparatus of claim 15, wherein the connection request from a remote client received by the transceiver includes a bit value indicating high-quality files should be transferred.

19. (Previously Presented) the apparatus of claim 15, wherein the non-volatile memory element comprises a network storage device.

20. (Previously Presented) The apparatus of claim 15, wherein the non-volatile memory element is associated with a first computer, the processor is associated with a second computer, the transceiver is associated with a third computer, and the first computer, second computer, and third computer are in electrical connection with each other over a network.

Allowable Subject Matter

Claims 1-2, 6-9, 13-15 and 17-20 are allowed.

The following is an Examiner's statement of reasons for allowance:

The prior arts in record fail to teach "in a content update for an on-line game, identifying a subset of the plurality of data files as high-quality data files using a data quality function to identify a subset of the plurality of data files contained in the content update as high-quality data files, determining that high-quality data files are to be transmitted to the client on the basis of information indicating high-quality files should be transferred, wherein the client is one of a plurality of clients comprising a player platform, wherein the plurality of data files contained in the content update are sorted by data quality, wherein a certain fixed percentage of the highest quality data files are separated as high-quality data files", as recited in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available

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through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2457

/Salad Abdullahi/

Primary Examiner, Art Unit 2457